

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

In Re: COOK MEDICAL, INC.,
IVC FILTERS MARKETING, SALES
PRACTICES AND PRODUCTS
LIABILITY LITIGATION

Case No. 1:14-ml-2570-RLY-TAB
MDL No. 2570

This Document Relates to:

All Plaintiffs in Exhibits A & B

**THIRD AMENDED ORDER ON NOTICE OF NONCOMPLIANCE:
SECOND AMENDED CASE CATEGORIZATION FORMS (CMO-33)**


On October 4, 2024, Cook filed a Notice of Noncompliance listing Plaintiffs who have not submitted Second Amended Case Categorization Forms. (*See* Filing No. 26084; *see also* Filing No. 25716, Sixth Amended Case Management Order No. 4 ("CMO-4"), ¶ 2; Filing No. 25717, Amended Case Management Order No. 33). The deadline for these Plaintiffs to submit Second Amended Case Categorization Forms expired on July 17, 2024.¹ (Filing No. 25717, ¶ 2). Pursuant to the process outlined in CMO-4, Cook provided written notice of noncompliance to Plaintiffs' Lead Counsel and to Plaintiffs' counsel at issue prior to filing their Notice of Non-Compliance. (*See* Filing No. 25716, ¶ 4).

¹ Plaintiffs subject to this Notice of Noncompliance are represented by law firms who have appeared in less than 250 cases pending in the MDL and therefore do not receive the benefit of the Court's Order Extending Time for Certain Plaintiffs to Comply with Amended CMO-32 and Amended CMO-33. (*See* Filing No. 25896).

Plaintiffs listed in **Exhibit A** have failed to submit Second Amended Case Categorization Forms since the filing of the Notice of Noncompliance on October 4, 2024.² The cases identified in **Exhibit A** are therefore **DISMISSED WITHOUT PREJUDICE** pursuant to Federal Rule of Civil Procedure 41 for failure to prosecute and for failure to comply with the court's order. Plaintiffs listed in **Exhibit B**, however, have cured their deficiencies. The Notice of Non-Compliance is therefore **MOOT** as to those Plaintiffs listed in **Exhibit B**.

All parties shall bear their own fees and costs.

SO ORDERED this 15th day of January 2025.



RICHARD L. YOUNG, JUDGE
United States District Court
Southern District of Indiana

Distribution to all electronically registered counsel of record via CM/ECF.

² **Exhibit A** includes Plaintiffs with whom Cook agreed to provide extensions of time to submit Second Amended Case Categorization Forms but who nevertheless failed to cure their deficiencies by the agreed upon extended deadline.